

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**BRYAN WHITNEY,**

**Plaintiff,**

**v.**

**CASE NO. 5:13-cv-347-RS-EMT**

**DR. JONES, et al.,**

**Defendants.**

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**ORDER**

Before me is the Magistrate Judge's Report and Recommendation (Doc. 41). I have reviewed Plaintiff's Objections (Doc. 33). I have reviewed the report and recommendation *de novo*.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Plaintiff's claims against Defendants Thorp, Pelt, Copeland, and Gardner are **DISMISSED**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim on which relief may be granted. These defendants are accordingly dismissed from this action.
3. Plaintiff's claims against Defendant Dr. Jones under the Patient Protection and Affordable Care Act are **DISMISSED**, pursuant to 28

U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim on which relief may be granted.

4. The clerk is directed to **TRANSFER** this case to the United States District Court for the Southern District of Indiana for disposition of Plaintiff's Eighth Amendment claim against Defendant Dr. Jones.
5. The Clerk is directed to close this case and terminate all pending motions.

**ORDERED** on September 11, 2014.

/s/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**